Interview Summary: Kim Wilford, GoFundMe

Background

Kim Wilford is General Counsel at GoFundMe, Inc. ("GFM"). She joined GFM in August 2018 and has been responsible for legal functions since then. Prior to working at GFM, Ms. Wilford began her career in private practice, and has been in-house counsel for over 20 years at three different organizations including being general counsel in the company she was at prior to joining GFM. Ms. Wilford was involved in aspects of GFM's response to the protests that took place in Ottawa in January and February 2022, including the decision to suspend and remove the main crowdfunding campaign set up on the GFM platform to raise funds for the "Freedom Convoy."

Ms. Wilford was interviewed by Daniel Sheppard and Étienne Lacombe on August 18, 2022. Questions about this summary should be directed to Daniel Sheppard.

Text contained in [square brackets] are explanatory notes provided by Commission Counsel to assist the reader.

GoFundMe Campaigns

GFM hosts hundreds of thousands of crowdfunding campaigns globally. Thousands of campaigns receive daily donations, while others receive no donations at all. Campaigns on GFM are governed by its Terms of Service.[1] The Terms of Service prohibit campaigns with the implicit or explicit purpose of promoting or involving *inter alia* violence or harassment.

GFM takes a risk-based approach to monitoring campaigns on its platform for compliance with its Terms of Service. While not every campaign on the platform is directly monitored by a GFM employee, this risk-based analysis is used to identify campaigns that should be subject to increased review. One factor that can trigger active review by GFM staff is the rate at which donations are made to the campaign.

GFM is not a payment processor. It relies on third-party payment processors to accept donations from donors, hold them in accounts, and transfer the funds to the beneficiaries of campaigns. In Canada, GFM's payment processor is Stripe.

Campaigns hosted on GFM are created by an organizer for the benefit of a beneficiary. Sometimes an organizer is the beneficiary of a campaign. In other cases, an organizer will establish a campaign to benefit a third-party beneficiary. Funds raised on GFM are ultimately for the benefit of the beneficiary. Generally speaking, it is up to a campaign's

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[1] GoFundMe Terms of Service, **GFM00000040**.

beneficiary to decide how and when they wish to receive donated funds, subject to GFM's Terms of Service and the payment processor's rules. Beneficiaries normally receive periodic payments while campaigns continue to solicit donations. GFM may communicate with its payment processor regarding the timing of payments to a beneficiary.

GFM requires that all funds raised in a campaign are used consistently with the campaign's purpose. Funds must go to the campaign's beneficiary or a third-party acting to deliver those funds to the beneficiary. They must also be spent for the purpose or purposes stated in the campaign. It would be a violation of GFM's Terms of Service for funds to be given to someone other than a beneficiary or a person acting on their behalf, or to be used by a beneficiary for a purpose that is not consistent with the stated purpose of the campaign.

GFM communicates with campaign organizers and beneficiaries in a number of ways. For typical campaigns, GFM staff frequently communicate by email or CRM messaging to help answer questions, such as assisting beneficiaries with providing the information necessary to make withdrawals. For high-profile fundraising campaigns, such as the Freedom Convoy fundraiser, a "VIP" team member may communicate with organizers or beneficiaries using email or phone.

The Establishment of the Freedom Convoy Crowdfunding Campaign

The Freedom Convoy 2022 Campaign ("the FC Campaign") was created by Tamara Lich on January 14, 2022. It came to the active attention of GFM within a few hours of its creation due to the speed at which it attracted donations.

At the outset, GFM did not have concerns about the FC Campaign's purpose, which was in compliance with its Terms of Service. GFM had no reason to believe that these funds were not intended to support lawful, peaceful protest activity.

GFM did have concerns about the organizer's ability to ensure that funds would be distributed in accordance with the campaign's description. The FC Campaign description indicated that funds would be distributed to truckers to reimburse them for the cost of fuel, food and lodgings. GFM sought to learn more about how the campaign organizers intended to ensure that donated funds went to truckers to reimburse them for these expenses. Later on, the campaign organizer amended the campaign description to also indicate that any leftover donations would be donated to a charity chosen by the donors. GFM was concerned about this as it was not clear how it would be possible to arrive at a consensus amongst the many donors to the campaign.

GFM's VIP team began communicating with Ms. Lich and her team on January 16, 2022. The purpose of these communications was to gather more information about the organizer's plans with respect to the distribution of the funds.

GFM eventually prepared an attestation letter that Ms. Lich signed on January 27, 2022.[2] The purpose of this letter was to help ensure that funds raised by Ms. Lich would be used as outlined in the campaign. It confirmed that Ms. Lich would only use the funds as outlined in the campaign, and confirmed the existence of a five-person Finance Committee that was responsible for the funds. It required the Finance Committee to obtain documentation from recipients that demonstrated their eligibility to receive funds, and that the funds be distributed via e-transfer, which would create a record of payments made.

At this point, GFM was comfortable releasing some of the funds raised to date to the organizer. GFM still had sufficient reservations, however, that it was not willing to release the total amount raised at that time.

On January 27, 2022, GFM communicated to Ms. Lich that she would receive the first $1 million in her bank account the following day. This did not occur, however, until February 2, 2022. GFM's payment processor did not make the payment when originally instructed to by GFM. GFM understands that this was the result of human error on the payment processor's side, and not a deliberate decision to withhold funds from the organizers.

Suspension and Review of the Freedom Convoy Campaign

Between January 28 and February 2, 2022, media reports of concerning behaviour in Ottawa began to come to the attention of GFM. GFM began to hear media reports of harassment and violence in Ottawa that was linked to the protest that was taking place. However other media reports indicated that the protests remained peaceful.

GFM has a Trust and Safety Team, which is responsible for monitoring compliance with GFM's Terms of Service. When warranted by its risk-based approach, the Trust and Safety Team may monitor both on- and off-platform activities of campaign organizers and beneficiaries. The Trust and Safety Team was involved in actively monitoring publicly available reports about events taking place in Ottawa. Others within GFM, including members of the executive team, were also following media reports about the protests in Ottawa.

Members of the GFM Trust and Safety Team reached out to the Ottawa Police Service to obtain information directly from them about the events taking place in Ottawa. Members of the Trust and Safety Team spoke with Deputy Police Chief Bell by phone. Deputy Chief Bell informed GFM that the protests were not peaceful.

GFM also continued to have concerns about how funds raised by the campaign organizer would be distributed. While the organizer and her team were initially in active communication with GFM, their responsiveness had noticeably slowed down. GFM had

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[2] GoFundMe Attestation Letter, Dated January 27, 2022, **GFM00000037**.

sought information and assurances from the organizer and her team but did not receive substantive replies.

These concerns made GFM hesitate to release further funds to the campaign organizers at this time.

On February 2, 2022, GFM decided to suspend the campaign for review. While suspended, the FC Campaign remained visible on the GFM website, but included a banner indicating that it was under review. Members of the public could not make donations to the campaign while it was suspended.

GFM made the decision to suspend the fundraiser based on the review of the Trust and Safety Team, along with input from other teams and a number of senior executives, including the CEO, the President, and Ms. Wilford.

The Removal of the Freedom Convoy Campaign from GoFundMe

The purpose of GFM's review was to determine whether the FC Campaign complied with its Terms of Service. As the days went on and more information was received by GFM from credible sources about the state of affairs in Ottawa, GFM became increasingly concerned that it would have to remove the campaign for violating the Terms of Service.

On February 3, 2022, Ms. Wilford, along with two other representatives of GFM had a call with Ottawa Mayor Jim Watson. The mayor described a violent situation with individuals having their masks ripped off, gas canisters circulating, guests destroying hotel rooms and threatening behaviour on the street and in stores. The mayor identified the perpetrators as convoy participants and expressed concerns that if GFM released additional funds, the group would not leave Ottawa. Ms. Wilford told Mayor Watson that GFM would make a decision respecting the campaign based on all information that was available to it.

On February 4, 2022, GFM representatives had a second phone call with Deputy Police Chief Bell. Deputy Chief Bell informed GFM that the situation was escalating and that acts of violence were taking place.

By this point, GFM felt that it had reliable information from official sources that the protests in Ottawa were not peaceful.

Communication with he campaign organizer and her team had also broken down significantly. After the decision to suspend the campaign, GFM was sent a letter written by Keith Wilson, legal counsel to the campaign organizer.[3] Mr. Wilson's letter indicated that the campaign organizer's intent was not to reimburse expenses for individuals who

[3] Letter from Keith Wilson to GoFundMe, dated February 3, 2022, **GFM00000131**.

committed unlawful acts. GFM had serious concerns about the campaign organizer's ability to implement this stated intention.

GFM was also aware of a news conference that Ms. Lich and others held in which she claimed to be working with the Ottawa Police Service. From GFM's communications with Deputy Chief Bell, GFM learned that this was not true. GFM did contact the campaign organizer's team after the press conference to ask who within the Ottawa Police Service they were working with. The team could not provide the name of anyone to whom they had spoken at the Ottawa Police Service.

By this point in time GFM had been receiving a significant quantity of harassing messages from members of the public. This included threats directed at GFM executives. On February 4th, GFM's Trust and Safety Team identified a man who was a known associate of Ms. Lich who was encouraging this online harassment. He had used this social media accounts to post information and photographs of GFM executives, and was inciting at least some of the harassment GFM was experiencing. GFM had serious concerns about the safety and wellbeing of its employees.

On February 4, 2022, GFM removed the campaign from its platform, a decision reached based on feedback from multiple teams at the company as well as the CEO, the President, and Ms. Wilford.

Aftermath of the Removal of the Campaign from GoFundMe

Upon removing the campaign, GFM intended to give donors a choice between a refund and donating the funds to a charity chosen by the campaign organizer–as described by the campaign organizer in the amended campaign description—and verified by GFM.

The decision to remove the campaign was misconstrued online. Content was circulated falsely suggesting GFM would choose the charitable organization or keep the funds for itself. The volume of threatening emails picked up. GFM relied on monitoring from an external security firm which reported individuals making credible and serious threats.

Following the spread of online misinformation about the funds, GFM decided to proceed with full refunds for all donors without the option of donating the funds to a charity.

Ms. Wilford was asked during her interview to obtain certain information respecting the donations made to the FC Campaign hosted on GFM. Following the interview, counsel for GFM provided the following information on behalf of Ms. Wilford:[4]

Approximately 107,000 donations to the campaign originated in Canada, comprising 86% of all donations. Approximately 14,000 donations originated from the United States of America, comprising 11% of all donations. Approximately 4,000 donations originated from 80 countries outside of Canada and the United States, comprising 3% of all donations.

Approximately $10,060,000 CAD was donated to the fundraiser. Approximately $9 million CAD came from Canadian donors, $870,000 CAD from American donors, and $190,000 CAD from donors outside of Canada and the United States.

[4] Letter from Steven P. Ragland to Commission Counsel, September 19, 2022, **GFM00000584**.